

SAFETEA-LU (P.L. 109-59) REQUIREMENTS

CHANGES	SAFETEA-LU PROVISIONS	TEA-21 REQUIREMENTS IN 2004 RTP	IMPACT ON SCAG 2008 RTP
1. Update cycles for MPO Plans changed from <u>three</u> to <u>four</u> years	<p>Transportation plans in non-attainment and maintenance areas must be prepared and updated “...every 4 years...”</p> <p>Amended 23 U.S.C.134(i)(1)</p> <p>FHWA and FTA have determined that MPOs are allowed to comply with existing planning regulations for plans currently under development. However, any plans adopted after July 1, 2007 must comply with all of the SAFETEA-LU provisions.</p>	Updates required every <u>three</u> years.	Date of 2008 means that all SAFETEA-LU requirements must be met.

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Expanded Scope			
2. Security as a stand-alone planning factor	<p>The factors that must be considered in the planning process were increased by splitting safety and security into separate factors:</p> <p><i>“(B) increase the safety of the transportation system for motorized and nonmotorized users; (C) increase the security of the transportation system for motorized and nonmotorized users;”</i></p> <p>Amended 23 U.S.C.134(h)(1)</p> <p>According to the FHWA/FTA Interim Guidelines, the split was intended to signal an increase in the importance of security.</p>	<p>Safety and security were coupled in the same factor.</p> <p>In 2004 RTP, there was minimal discussion of security.</p>	Need a separate discussion of transportation system security.
3. Environmental planning factor now includes consistency of plan with planned growth and development plans	<p>Expands environmental planning factor to include:</p> <p><i>“(E)...promote consistency between transportation improvements and State and local planned growth and economic development patterns;”</i></p> <p>Amended 23 U.S.C.134(h)(1)</p>	Addressed by the COMPASS discussion	Will be addressed with the updated Land Use strategies
4. Intermodal Connectors Added as Transportation Facility	<p>Plan is to include <i>“Identification of transportation facilities (including roadways, transit, multimodal and intermodal connectors)...”</i></p> <p>Amended 23 U.S.C.134(h)(2)(A)</p>	Identification of transportation facilities other than intermodal was required in 2004.	May need a more comprehensive discussion in the 2008 RTP

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5. Plan to Include Accessible Pedestrian Walkways and Bicycle Facilities	The plan is to "...provide for the development and integrated management and operation of transportation systems and facilities (including accessible pedestrian walkways and bicycle transportation facilities)..." Amended 23 U.S.C. 134(c)(2)	Not included in the 2004 RTP	Will need discussion in the 2008 RTP
6. Separate Operational and Management Strategies	Plan must identify "operational and management strategies to improve the performance of existing transportation facilities to relieve vehicular congestion and maximize the safety and mobility of people and goods." Amended 23 U.S.C.134(h)(2)(D)	Addressed in part by the System Management discussions in the 2004 RTP	Will need to be updated
Expanded Mitigation Requirements			
7. Discussion of Environmental Mitigation Activities	Plan must include "a discussion of types of potential environmental mitigation activities and potential areas to carry out these activities..." Amended 23 U.S.C.134(h)(2)(B)	Not required in the 2004 RTP process.	Will need a discussion in the 2008 RTP
8. Expanded Environmental Mitigation Consultation	The discussion of potential environmental mitigation activities "...shall be developed in consultation with Federal, State, and tribal wildlife, land management and regulatory agencies." Amended 23 U.S.C.134(h)(2)(B)	Addressed in part as part of the stakeholder involvement discussion.	Need to ensure that these agencies are included in the consultation process, and in the Participation Plan (see below)

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Expanded Consultations			
9. Encourages consultation with other local agencies affected by transportation	MPOs are “ <i>encouraged</i> ” to consult with “... <i>State and local planned growth, economic development, environmental protection, airport operations, and freight movement...</i> ” officials. Amended 23 U.S.C.134(g)(3)	Was included in the 2004 RTP	Will be updated in the 2008 RTP
10. Expanded Required List of Consultations	The MPO “ <i>shall consult, as appropriate, with State and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation concerning the development of a long-range plan.</i> ” Amended 23 U.S.C.134(i)(4)(A)	Was addressed in part in the 2004 RTP	Will need to be expanded in the 2008 RTP
11. Consideration of Resource Maps and Inventories	The consultation shall involve comparisons of transportation plans with “ <i>State conservation plans or maps</i> ” or “ <i>inventories of natural or historic resources</i> ” Amended 23 U.S.C. 134(i)(4)(B)	Was not done in the 2004 RTP	Must be done for the 2008 RTP
12. Expanded List of Parties involved in Planning	List now includes: “... <i>representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled...</i> ” Amended 23 U.S.C. 134(i)(5)(A)	Was done in part in the 2004 RTP	Must be expanded in the 2008 RTP

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Expanded Participation Requirements			
13. Participation Plan	<p>MPOs must develop and use a participation plan that is “...developed in consultation with all interested parties;” and provides “reasonable opportunities” for all interested parties “to comment on the content of the transportation plan.”</p> <p>Amended 23 U.S.C. 134(i)(5)(B)</p> <p>The intent is to afford parties who participate in the MPO planning process a specific opportunity to comment on the plan prior to its approval. FTA/FHWA expect this to encompass governmental and nonprofit organizations that receive Federal assistance from a source other than Department of Transportation to provide non-emergency transportation services, and recipients of assistance under section 204 of title 23, U.S.C.</p>	While TEA-21 did not require a formal participation plan, it did call for providing “...reasonable opportunity to comment on the long-range transportation plan.”	May need a participation plan early on to demonstrate compliance
14. Visualization Techniques	<p>In developing the participation plan, MPOs shall “to the maximum extent practicable...employ visualization techniques to describe plans...”</p> <p>Amended 23 U.S.C. 134(i)(5)(C)</p>	Visualization techniques were employed in the review process for the 2004 RTP	Must be updated for the 2008 RTP

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15. Electronic Access to Plans	MPOs shall also <i>"make public information available in electronically accessible format and means, such as the World Wide Web, as appropriate..."</i> Amended 23 U.S.C. 134(i)(5)(C)(iii)	Draft RTP documents were made available on the SCAG website during the 2004 process.	No impact – a similar process will be used for the 2008 update.
16. Electronic Publication of Plan	MPOs shall publish or otherwise made readily available for public review transportation plans <i>"including (to the maximum extent practicable) in electronically accessible formats...such as the World Wide Web..."</i> Amended 23 U.S.C. 134(i)(6)	2004 RTP has been provided on the SCAG website.	No impact – the 2008 RTP will continue to be made available on the SCAG website.
Other Changes that Affect the RTP			
17. Two Additional Project Types in Annual Listing of Obligated Projects	Development of the annual listings of projects shall be <i>"...a coordinated effort of the State, transit operator, and MPO..."</i> and shall include <i>"...investments made in pedestrian walkways and bicycle transportation facilities..."</i> for which Federal funds have been obligated in the preceding year. Amended 23 U.S.C. 134(j)(7)(B)	Pedestrian walkways and bicycle transportation facilities were not called out separately in the list of transportation facilities in TEA-21.	This requirement is appears in the SAFETEA-LU section regarding the TIP, but the TIP and RTP project lists should be similarly organized.
18. Addition of Transit Operator in Development of Funding Estimates	Development of estimates of funds that will be available to support plan implementation must be a cooperative effort among the MPO, State and transit operators. Amended 23 U.S.C. 134(i)(2)(C)	Previously, only the MPO and the State were required in developing funding estimates. However, SCAG did rely on CTCs for funding estimates	Must be updated for the 2008 RTP

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19. Consideration of DOT Highway Safety Plan	<p>SAFETEA authorizes a new categorical program for highway safety, the Highway Safety Improvement Program (HSIP). This program, to be administered by the State DOT, requires the development of “...a State strategic highway safety plan.”</p> <p>Amended 23 U.S.C. 148</p>	HSIP subsumes the existing roadway hazard elimination program. A statewide strategic highway safety plan was not required previously.	Since the MPO's long-range transportation plan is to take into consideration “...other types of planning activities...” (Amended section 134(g)(3)), and since safety is one of the 8 planning factors in SAFETEA-LU, the RTP needs to consider the State strategic highway safety plan.